

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

In re MIA P. et al., Persons Coming
Under the Juvenile Court Law.

B288652

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

(Los Angeles County
Super. Ct.
No. 17CCJP01495A-B)

Plaintiff and Respondent,

v.

XAVIER A.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of
Los Angeles County, Veronica S. McBeth, Judge. (Retired Judge
of the L.A. Sup. Ct. assigned by the Chief Justice pursuant to art.
VI, § 6 of the Cal. Const.) Dismissed.

Karen B. Stalter, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, Kristine P. Miles, Assistant County Counsel, and Veronica Randazzo, Deputy County Counsel, for Plaintiff and Respondent.

INTRODUCTION

Xavier A. appeals from the juvenile court's January 24, 2018 jurisdiction findings declaring his children, Mia P. and Joseph A., dependents of the court under Welfare and Institutions Code section 300, subdivision (j),¹ and disposition order removing the two children from his custody. Mia and Joseph's mother, Julissa P., did not appeal, and on July 2, 2018 the court returned the children to her and Xavier's custody. We dismiss the appeal because we cannot grant Xavier any effective relief. Even if we reversed the jurisdiction findings he challenges, the juvenile court has jurisdiction over the children because of the allegations the court sustained against their mother. And reversing the disposition order removing the children from Xavier's custody would have no practical effect because the juvenile court has already returned the children to him.

¹ Statutory references are to the Welfare and Institutions Code.

FACTUAL AND PROCEDURAL BACKGROUND

Julissa and Xavier lived together with three children, J.G., Mia, and Joseph. Xavier is the father of Mia and Joseph. On October 18, 2017 the juvenile court detained then seven-year-old J.G. after finding the Los Angeles County Department of Children and Family Services made a prima facie showing under section 300, subdivisions (a) and (b), that Julissa and Xavier physically abused J.G. by striking him with a hanger and failed to protect him from such abuse.² On October 31, 2017 the Department filed a juvenile dependency petition under section 300, subdivision (j), alleging Xavier and Julissa's physical abuse of J.G. endangered Mia and Joseph, who were then two-years old and three-months old, respectively.

On January 24, 2018 the court sustained two counts against both Xavier and Julissa under section 300, subdivision (j), and removed Mia and Joseph from their custody.³ The counts sustained against Julissa alleged Julissa's physical abuse of J.G. and her failure to protect J.G. from Xavier's physical abuse endangered Mia and Joseph. Xavier timely appealed, Julissa did not.

On July 2, 2018 the court found Xavier and Julissa had made substantial progress toward alleviating or mitigating the causes necessitating Mia and Joseph's removal. The court returned the children to their parents' custody.

² The dependency proceedings involving J.G. are not at issue in this appeal.

³ The court dismissed counts against Xavier and Julissa under section 300, subdivision (b).

DISCUSSION

A. *Xavier's Appeal from the Court's Jurisdiction Findings Is Not Justiciable*

Xavier argues substantial evidence did not support the court's jurisdiction findings. In particular, he contends there was insufficient evidence at the time of the jurisdiction and disposition hearing of any incidents of physical abuse of J.G. that created a substantial risk of harm to Mia and Joseph. The Department argues Xavier's challenge to the jurisdiction findings is not justiciable because Julissa did not appeal. The Department is correct.

“When a dependency petition alleges multiple grounds for its assertion that a minor comes within the dependency court's jurisdiction, a reviewing court can affirm the [trial] court's finding of jurisdiction over the minor if any one of the statutory bases for jurisdiction that are enumerated in the petition is supported by substantial evidence. In such a case, the reviewing court need not consider whether any or all of the other alleged statutory grounds for jurisdiction are supported by the evidence.” (*In re Drake M.* (2012) 211 Cal.App.4th 754, 762; see *In re Alexis E.* (2009) 171 Cal.App.4th 438, 451.) Thus, even if we were to agree with Xavier that substantial evidence did not support the juvenile court's findings under section 300, subdivision (j), with regard to him, the juvenile court would still have jurisdiction over Mia and Joseph based on its findings against Julissa. Therefore, the appeal raises only ““abstract or academic questions of law”” because “we cannot render any relief . . . that would have a practical, tangible impact” (*In re I.A.* (2011) 201 Cal.App.4th 1484, 1492) on Mia and Joseph's dependency

proceedings. (See *ibid.* [father’s appeal was nonjusticiable where he did not challenge all of the juvenile court’s jurisdiction findings]; see also *In re David B.* (2017) 12 Cal.App.5th 633, 644 [“the critical factor in considering whether a dependency appeal is moot is whether the appellate court can provide any effective relief if it finds reversible error”]; *In re N.S.* (2016) 245 Cal.App.4th 53, 60 [same].)

Xavier acknowledges this principle but argues we should exercise our discretion to reach the merits of his appeal because the court’s “erroneous findings can have negative consequences for disposition, as well as if future dependency actions are filed.” Xavier contends he was prejudiced by the court’s jurisdiction findings against him because the court removed Mia and Joseph from his custody and ordered him to participate in counseling and parenting education classes based on the court’s jurisdiction findings. The children, however, have been returned to his custody, and the court’s authority to order Xavier to participate in parenting classes and counseling did not require a jurisdiction finding against him. (See *In re D.L.* (2018) 22 Cal.App.5th 1142, 1148 [a juvenile court has authority under section 362, subdivision (a), to order a nonoffending parent to participate in services].) Because we can affirm the juvenile court’s jurisdiction on the basis of its findings against Julissa, we cannot grant Xavier any effective relief. Therefore, we dismiss his appeal from the court’s jurisdiction findings.

B. *Xavier’s Appeal from the Court’s Disposition Order Is Moot*

Xavier also appeals from the juvenile court’s disposition order removing the children from his custody. Because the court

has since returned the children to Xavier, his appeal from the court's order is moot. (See *In re David B.*, *supra*, 12 Cal.App.5th at p. 644; *In re N.S.*, *supra*, 245 Cal.App.4th at p. 60.)

DISPOSITION

The appeal is dismissed.

SEGAL, J.

We concur:

PERLUSS, P. J.

FEUER, J.